

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

ALONZO AUSTIN,)	
)	Case Number:
Plaintiff)	
)	3:07-CV-042-MEF
v.)	
)	
GLOBAL CONNECTION INC. OF AMERICA,)	
ET AL,)	
)	
Defendants)	

DEFENDANTS' DECLARATION OF TECHNICAL DIFFICULTIES

Please take notice that Defendants were unable to file their Motion for Summary Judgment and Memorandum Brief in Support thereof in a timely manner due to technical difficulties. The deadline for filing was January 31, 2008. The reason that I Joshua R. McKoon, counsel for the Defendants, was unable to file in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the Court that I could not do so are set forth below.

I completed the Motion and supporting Memorandum Brief at 3:45 P.M. Central Standard Time and was preparing to electronically file the same when I was dispatched to LaGrange, Georgia to complete settlement of a matter that has been pending in the Superior Court of Troup County Georgia for approximately 19 months. Upon my return to the office, I discovered that our computer system was not functioning properly. After determining that the system was malfunctioning, I attempted to copy the files containing the Motion and Brief onto a diskette, a CD and a portable hard drive. As I was unable to access the network drive, I was unable to make such a copy. I then attempted to print the file from the network, which was also unsuccessful. Without an electronic or hard copy

and little prospect of curing the problem in time to file by midnight, I sent an electronic mail to a William Lewis with the Middle District of Alabama to whom I had corresponded earlier about this case explaining my situation. At approximately 9:00 A.M. Central Standard Time this morning I called and informed the Court of the circumstances relating to this late filing and upon repair of the technical problem at approximately 11:00 A.M. Central Standard Time, I completed filing the Motion and supporting Memorandum Brief.

I declare under penalty of perjury that the foregoing is true and correct.

This 1st day of February, 2008

MCKOON & ASSOCIATES

/s/Joshua R. McKoon

By: _____

Joshua R. McKoon
State Bar No. MCK057

925 Broad Street
Post Office Box 3220
Phenix City, Alabama 36868-3220
334.297.2300
facsimile 334.297.2777

CERTIFICATE OF SERVICE

Counsel for the Defendant has this day served the foregoing on the Plaintiff via First Class Mail at the following address:

Alonzo Austin
1321 Oliver Carus Road
Tuskegee, Alabama 36083

This 1st day of February, 2008.

/s/Joshua R. McKoon

Counsel for Defendant